

**TOWN OF ASHBURNHAM**  
**OFFICE OF THE BOARD OF HEALTH**  
**SOLID WASTE REGULATIONS**  
REVISED JANUARY 4, 2010

The Board of Health of the Town of Ashburnham, Massachusetts, acting under the authority of Massachusetts General Laws, Chapter III, Section 31, 31A, 31B and the provision of the Sanitary Code, Article 1, and in accordance, therewith, and in the interest of and for the preservation of public health, hereby adopts the following amended regulations.

**DEFINITIONS**

Recyclable

Material: Means a material that has the potential to be recycled and that is not co-mingled with solid waste or contaminated by significant amounts of toxic substances including, but not limited to, glass and metal containers, HDPE and PETE plastic containers and newspaper.

Solid Waste: Useless, unwanted, or discarded solid, liquid, or contained gaseous material resulting from industrial, commercial, mining, agricultural, municipal, or household activities that is abandoned by being disposed or incinerated or is stored, treated, or transferred pending such disposal, incineration, or other treatment, but does not include materials excluded in 310 CMR 19.006, Solid Waste or Waste (a) – (i), generally, hazardous waste, sludge, septage, or sewage, waste water treatment facility residuals or sludge ash, coal ash, materials and by-products generated from and reused with an original manufacturing process and compostables or recyclables.

Commercial

Solid Waste: All types of solid waste generated by stores, offices, institutions, restaurants, warehouses, and other non-manufacturing activities or similar types of solid waste generated from manufacturing firms. Commercial Solid Waste does not include solid waste generated in a residence or in a manufacturing or industrial process.

Construction  
and  
Demolition

Waste: Waste building materials and rubble resulting from the construction, remodeling, repair or demolition of buildings, pavement, roads or other structures. Construction and demolition waste includes but is not limited to concrete, bricks, lumber, masonry, road paving materials, rebar and plaster.

Residential

Solid Waste: Waste or recyclables produced by any household or person who is not operating a commercial enterprise or involved in a project requiring a building permit.

Persons: Every individual, partnership, corporation, firm association company, department, agency or group, any other entity including a city, town, county or other governmental unit, owning property or carrying on an activity or operation regulated by these Regulations.

**REGULATIONS FOR TRANSPORTATION OF SOLID WASTE**

1. Vehicles

- a. All vehicles used for the transporting of solid waste or recyclables shall have all local, state and federal registrations, permits and licenses. These permit registrations and licenses shall be valid.
- b. All vehicles used for the transportation of solid waste or recyclables shall be in good condition to prevent spills and leaks, to prevent materials from blowing or falling out and the vehicles shall be deodorized and sanitized to prevent the vehicle from creating an odor nuisance. Any materials falling from vehicles shall be retrieved. All trucks shall have enclosed disposal compartments.
- c. The vehicle used for transporting solid waste or recyclables shall carry the owner's and/or company's name and telephone number on the sides of the vehicles in lettering large enough to be seen from a distance of 100 feet.
- d. Vehicles used for transporting solid waste or recyclables shall not use residential driveways for any purpose, including changing directions.

- e. All vehicles may be inspected by the Board of Health or its Agent at the Board's request.

2. Permit

- a. No person shall remove or transport solid waste other than that generated by one's own household through the Town of Ashburnham without a permit from the Board of Health.
- b. Permits shall allow the removal or transportation of Residential Solid Waste and Commercial Solid Waste through the streets of the Town of Ashburnham. No permit is necessary for the removal or transportation of Construction and Demolition Waste.
- c. The Ashburnham Board of Health shall determine the fee to be charged for such permit which is attached as Schedule A, and which may be amended by the Board of Health from time to time.
- d. An application must be completed and fee paid prior to any permits being issued.
- e. Person(s) applying for a permit must provide proof that their disposal sites are approved as required by law.
- f. Permits shall expire on June 30 of the year after the permit was issued and must be renewed annually.
- g. Permits are non-transferable except with the approval of the Board of Health.
- h. Permits shall be issued at the discretion of the Board of Health. Among its considerations, the Board of Health may inquire into the petitioner's insurance, past experiences, reliability, vehicle inspection results, and such other matters as the Board determines effect the public health, safety and welfare of the residents of the Town of Ashburnham.

3. Residential Collection

- a. Any person permitted for the removal or transportation of Residential Solid Waste shall provide curbside collection of the recyclables listed in these regulations to their customers. Any and all monies made from the sale of recyclables shall be retained by the permit holder. Once collected, the recyclables are the property and responsibility of the permit holder.
- b. No collection of refuse shall commence prior to 6:00 A.M. on week and 8:00 A.M. on weekend days (Saturday and Sunday).
- c. Each permit holder shall provide their prospective customers an agreement that outlines the customer's and company's responsibilities including the fee for the service. An updated list of the names and addresses of the customers being served by the permit holder must be on file at the Town Hall, so that the Board of Health may appropriately determine responsibility for any complaints received from residents concerning curbside collections. This list must be submitted to the Board of Health at the time of application and an updated copy must be submitted by January 30<sup>th</sup> of the permitting year.
- d. Dumpsters used for the collection of Residential Solid Waste must be emptied at least once every two (2) weeks. Dumpsters left at a site for the purpose of collecting refuse from construction, demolition or remodeling projects must be removed in a timely manner once the project is complete.
- e. All residential collection of solid waste, except as noted in Section 3(d), shall occur no less frequently than once every two weeks. Solid Waste shall be placed for collection no sooner than the night prior to collection. The Board reserves the right to require more frequent collection if, in their opinion, the property warrants more frequent collections and/or these regulations are not being followed

## ENFORCEMENT

The Ashburnham Board of Health, or their designated agent, shall enforce these regulations. All Rules and Regulations or portions thereof contained in the Massachusetts General Laws, the Massachusetts Sanitary Code, or other applicable regulations, ordinances and statutes which are not stated or referred to in the foregoing Rules and Regulations shall apply. If any section, subsection, sentence, clause or phase of these regulations is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of these regulations shall not be affected thereby.

## VARIANCE

The Board of Health may vary the application of any provision of these regulations with respect to any particular case when, in its opinion, the enforcement thereof would do manifest injustice; provided, that the decision of the Board of Health shall not conflict with the spirit of these regulations or the minimum standards required by the laws of the Commonwealth of Massachusetts. Any variance granted by the Board of Health shall be in writing. A copy of any such variance shall, while it is in effect, be available to the public at all reasonable hours in the office of the Board of Health, Ashburnham.

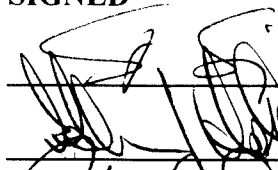
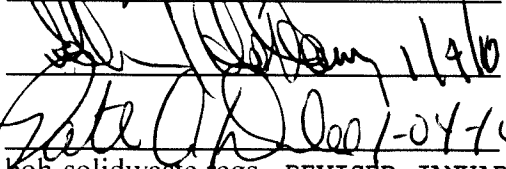
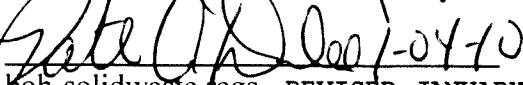
## VARIANCE, GRANT OF SPECIAL PERMISSION: EXPIRATION, MODIFICATION, SUSPENSION OF

Any variance or other modification authorized to be made by these regulations may be subject to such qualification, revocation, suspension, or expiration as the Board of Health expresses in its grant. A variance or other modification authorized to be made by these regulations may otherwise be revoked, modified, or suspended, in whole or in part, only after the holder thereof has been notified in writing and has been given an opportunity to be heard.

## PENALTIES

Whoever, himself or by his servant or agent, or as the servant or agent of any other person of any firm or corporation, violates these regulations, shall be punished by a fine of not more than five hundred (\$500.00) dollars for each and every offense and/or loss of license.

## SIGNED

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boh-solidwaste.regs - REVISED JANUARY 4, 2010

TOWN CLERK'S OFFICE  
ASHBURNHAM, MA 01430

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